

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# SENATE BILL 1112

## AN ACT

AMENDING SECTION 26-343, ARIZONA REVISED STATUTES; AMENDING TITLE 26, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-343.01; AMENDING SECTIONS 36-104, 36-1162, 49-108 AND 49-422, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTION 26-343.01, ARIZONA REVISED STATUTES; RELATING TO CHEMICAL OR OTHER TOXIC FIRE RESPONSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-343, Arizona Revised Statutes, is amended to  
3 read:

4 26-343. Arizona emergency response commission; advisory  
5 committee; powers and duties

6 A. The Arizona emergency response commission is established consisting  
7 of the director of the division, who shall serve as ~~chairman~~ CHAIRPERSON, and  
8 the directors, or their respective designees, of the department of  
9 environmental quality, the department of health services, the department of  
10 public safety and the department of transportation.

11 B. An advisory committee to the commission is established consisting  
12 of:

13 1. The state fire marshal.

14 2. The chief administrative officer, or the officer's designee, of the  
15 following agencies:

16 (a) Arizona department of agriculture.

17 (b) Corporation commission.

18 (c) Industrial commission.

19 (d) Radiation regulatory agency.

20 (e) State mine inspector.

21 3. Two representatives nominated by the Arizona fire chiefs  
22 association incorporated or its successor agency. One nominee shall  
23 represent a fire department serving a population of two hundred fifty  
24 thousand or more persons. One nominee shall represent a fire department or  
25 fire district serving a population of less than two hundred fifty thousand  
26 persons. The term of appointment is for two years.

27 C. The governor shall appoint four private sector representatives to  
28 the advisory committee to the commission after reviewing the recommendations  
29 provided by the commission. The governor shall appoint, or reappoint, two of  
30 the members each year from the private sector, to serve terms of two years.  
31 These members, to the extent practicable, shall have technical expertise in  
32 the emergency response field.

33 D. The members of the commission shall serve without compensation but  
34 are eligible for reimbursement for travel and other expenses as provided by  
35 law. The division and the department of environmental quality shall provide  
36 such professional, technical or administrative staff support as necessary to  
37 implement and perform the commission duties.

38 E. The commission shall meet as often as necessary and may organize  
39 itself into such support committees as necessary to implement this article  
40 and title III in this state. The full commission shall meet at least  
41 annually. The commission may adopt internal operating rules.

42 F. The commission shall administer this article and the rules adopted  
43 under this article. The commission shall administer title III in this state  
44 and may conduct whatever activities are necessary to implement this article  
45 and title III in this state. The commission is granted all the authority and

1 responsibilities of a state emergency response commission for purposes of  
2 title III.

3 G. The commission may procure by contract the temporary or  
4 intermittent services of experts or consultants if such services are to be  
5 performed on a part-time or fee-for-services basis and do not involve the  
6 performance of administrative duties. The commission may also enter into  
7 agreements with the federal government, Indian tribes, other states and  
8 political subdivisions of this state for the purposes of this article. The  
9 commission may also accept on behalf of this state any reimbursement, grant  
10 or gift that may become available for purposes of this chapter. The  
11 commission shall deposit, pursuant to sections 35-146 and 35-147, any such  
12 monies in the emergency response fund.

13 H. The commission shall establish a program of financial grants to  
14 local governments funded through the division by appropriations to the  
15 emergency response fund. The grants shall be dedicated to and used for local  
16 compliance with this article. The commission shall include procedures for  
17 applying for the grants and qualifying criteria for awarding the grants.

18 I. The commission shall adopt and may modify, suspend or repeal rules  
19 pursuant to title 41, chapter 6. The rules may not be more stringent than  
20 title III and the federal regulations adopted under title III, except as  
21 specifically authorized in this article. These rules shall implement this  
22 chapter and title III in this state. The authority to adopt rules includes  
23 establishing:

- 24 1. Procedures for handling public information requests.
- 25 2. Procedures and implementing programs for chemical emergency  
26 planning and preparedness.
- 27 3. Community right-to-know program reporting requirements.
- 28 4. Release reporting requirements.

29 J. COMMISSIONERS AND ADVISORY COMMITTEE MEMBERS SHALL ENSURE THAT  
30 MANDATORY HAZARDOUS MATERIALS TRAINING PROGRAMS FOR ON-SCENE COMMAND  
31 PERSONNEL THAT ARE DEVELOPED, DELIVERED OR MANAGED BY THEIR RESPECTIVE  
32 AGENCIES, DEPARTMENTS OR DIVISIONS ADDRESS NOTIFICATION PROCEDURES,  
33 COORDINATION OF SERVICES AND COMPREHENSIVE MANAGEMENT FOR PROTECTION OF THE  
34 PUBLIC HEALTH DURING AND AFTER A CHEMICAL OR OTHER TOXIC FIRE EVENT. THE  
35 TRAINING SHALL INCLUDE NOTIFICATION AND COORDINATION WITH THE EMERGENCY  
36 RESPONSE UNIT OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DEPARTMENT OF  
37 PUBLIC SAFETY, THE DEPARTMENT OF TRANSPORTATION, THE RADIATION REGULATORY  
38 AGENCY, THE COMMISSION, LOCAL EMERGENCY PLANNING COMMITTEES, THE DEPARTMENT  
39 OF HEALTH SERVICES, THE DIVISION OF EMERGENCY MANAGEMENT, THE NATIONAL  
40 RESPONSE CENTER AND THE ARIZONA POISON CONTROL SYSTEM. TRAINING SHALL ALSO  
41 INCLUDE ORIENTATION ON THE STATE EMERGENCY RESPONSE AND RECOVERY PLAN  
42 CONCERNING HAZARDOUS MATERIALS. COMMISSIONERS AND ADVISORY COMMITTEE MEMBERS  
43 SHALL ENCOURAGE PRIVATE COMPANIES THAT DELIVER SIMILAR TRAINING IN ARIZONA TO  
44 INCLUDE THE SAME CURRICULUM IN THEIR PROGRAMS.

1       Sec. 2. Title 26, chapter 2, article 3, Arizona Revised Statutes, is  
2 amended by adding section 26-343.01, to read:

3       26-343.01. Arizona chemical fire response coordination task  
4               force; members; term; powers and duties; immunity

5       A. THE ARIZONA CHEMICAL FIRE RESPONSE COORDINATION TASK FORCE IS  
6 ESTABLISHED CONSISTING OF THE FIRE CHIEF FROM EACH MUNICIPALITY IN THE STATE  
7 WITH A POPULATION OF SEVENTY-FIVE THOUSAND PERSONS OR MORE OR THE FIRE  
8 CHIEF'S DESIGNEE.

9       B. THE COMMISSION SHALL APPOINT A CHAIRPERSON AND VICE-CHAIRPERSON  
10 FROM AMONG THE MEMBERS. THE TASK FORCE SHALL MEET AS OFTEN AS NECESSARY AND  
11 AT LEAST ANNUALLY.

12       C. ON OR BEFORE DECEMBER 31, 2009, THE TASK FORCE SHALL:

13       1. ESTABLISH A MUNICIPAL HAZARDOUS MATERIAL TRACKING PROCESS PROGRAM  
14 FOR MUNICIPALITIES WITH A POPULATION OF SEVENTY-FIVE THOUSAND PERSONS OR MORE  
15 THAT PROVIDES FOR THE IDENTIFICATION OF COMMERCIAL AND INDUSTRIAL BUILDINGS  
16 THAT USE OR HAVE HAZARDOUS MATERIALS ON SITE AND THE TYPE AND AMOUNT OF  
17 HAZARDOUS MATERIALS USED OR STORED ON SITE. THE PROCESS MAY BE ESTABLISHED  
18 AS A PART OF AN EXISTING MUNICIPAL TRACKING SYSTEM BUT SHALL BE CONSISTENT  
19 WITH OTHER TRACKING SYSTEMS FOR MUNICIPALITIES WITH A POPULATION OF  
20 SEVENTY-FIVE THOUSAND PERSONS OR MORE TO ENSURE THE TRANSFER OF KEY  
21 INFORMATION BETWEEN MUNICIPAL PROGRAMS IN AN EFFECTIVE AND EFFICIENT MANNER.  
22 THE PROCESS SHALL BE USED TO ENSURE THAT THE BUILDING USER COMPLIES WITH  
23 APPLICABLE FIRE CODES.

24       2. ESTABLISH A PROCEDURE FOR MUNICIPALITIES WITH A POPULATION OF  
25 SEVENTY-FIVE THOUSAND PERSONS OR MORE FOR MAINTAINING AN INVENTORY OF  
26 BUILDINGS THAT ARE REQUIRED TO BE TRACKED AND THE TYPE AND AMOUNT OF  
27 HAZARDOUS MATERIALS USED OR STORED IN THE BUILDINGS. THIS PROCEDURE SHALL  
28 PROVIDE FOR QUARTERLY UPDATES OF THE INVENTORY AND AN ANNUAL REPORT THAT  
29 INCLUDES AN AGGREGATE LISTING OF THE NUMBER OF BUILDINGS BEING TRACKED, THE  
30 TYPE AND AMOUNT OF HAZARDOUS MATERIALS BEING USED OR STORED IN THESE  
31 BUILDINGS, THE NUMBER OF INSPECTIONS THAT WERE CONDUCTED DURING THE YEAR AND  
32 THE NUMBER AND TYPE OF CITATIONS ISSUED.

33       3. DEVELOP RISK BASED INSPECTION PROCEDURES FOR BUILDINGS THAT ARE  
34 REQUIRED TO BE TRACKED.

35       D. THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE COMMISSION  
36 REGARDING THE ISSUES PRESCRIBED BY SECTION 26-343, SUBSECTION J.

37       E. MEMBERS OF THE TASK FORCE ARE NOT ELIGIBLE TO RECEIVE COMPENSATION.

38       F. MEMBERS OF THE TASK FORCE AND THE MUNICIPALITY, TOWN OR FIRE  
39 DISTRICT REPRESENTED BY THE MEMBER ARE IMMUNE FROM CIVIL ACTIONS OR CLAIMS  
40 ARISING OUT OF THE MEMBERS' ACTIONS OR PARTICIPATION ON THE TASK FORCE.

41       Sec. 3. Section 36-104, Arizona Revised Statutes, is amended to read:

42       36-104. Powers and duties

43       This section is not to be construed as a statement of the department's  
44 organization. This section is intended to be a statement of powers and

1 duties in addition to the powers and duties granted by section 36-103. The  
2 director shall:

3 1. Administer the following services:

4 (a) Administrative services, which shall include, but not be limited  
5 to, the functions of accounting, personnel, standards certification,  
6 electronic data processing, vital statistics and the development, operation  
7 and maintenance of buildings and grounds utilized by the department.

8 (b) Public health support services, which shall include, but not be  
9 limited to:

10 (i) Consumer health protection programs, to include, but not be  
11 limited to, the functions of community water supplies, general sanitation,  
12 vector control and food and drugs.

13 (ii) Epidemiology and disease control programs, to include, but not be  
14 limited to, the functions of chronic disease, accident and injury control,  
15 communicable diseases, tuberculosis, venereal disease and others.

16 (iii) Laboratory services programs.

17 (iv) Health education and training programs.

18 (v) Disposition of human bodies programs.

19 (c) Community health services, which shall include, but not be limited  
20 to:

21 (i) Medical services programs, to include, but not be limited to, the  
22 functions of maternal and child health, preschool health screening, family  
23 planning, public health nursing, premature and newborn program,  
24 immunizations, nutrition, dental care prevention and migrant health.

25 (ii) Dependency health care services programs, to include, but not be  
26 limited to, the functions of need determination, availability of health  
27 resources to medically dependent, quality control, utilization control and  
28 industry monitoring.

29 (iii) Crippled children's services programs.

30 (iv) Programs for the prevention and early detection of mental  
31 retardation.

32 (d) Program planning, which shall include, but not be limited to:

33 (i) An organizational unit for comprehensive health planning programs.

34 (ii) Program coordination, evaluation and development.

35 (iii) Need determination programs.

36 (iv) Health information programs.

37 2. Include and administer, within the office of the director, staff  
38 services, which shall include, but not be limited to, budget preparation,  
39 public information, appeals, hearings, legislative and federal government  
40 liaison, grant development and management and departmental and interagency  
41 coordination.

42 3. Make rules and regulations for the organization and proper and  
43 efficient operation of the department.

44 4. Determine when a health care emergency or medical emergency  
45 situation exists or occurs within the state that cannot be satisfactorily

1 controlled, corrected or treated by the health care delivery systems and  
2 facilities available. When such situation is determined to exist, the  
3 director shall immediately report such situation to the legislature and the  
4 governor. Such report shall include information on the scope of the  
5 emergency, recommendations for solution of the emergency and estimates of  
6 costs involved.

7 5. Provide a system of unified and coordinated health services and  
8 programs between the state and county governmental health units at all levels  
9 of government.

10 6. Formulate policies, plans and programs to effectuate the missions  
11 and purposes of the department.

12 7. Make contracts and incur obligations within the general scope of  
13 its activities and operations subject to the availability of funds.

14 8. Be designated as the single state agency for the purposes of  
15 administering and in furtherance of each federally supported state plan.

16 9. Provide information and advice on request by local, state and  
17 federal agencies and by private citizens, business enterprises and community  
18 organizations on matters within the scope of its duties subject to the  
19 departmental rules and regulations on the confidentiality of information.

20 10. Establish and maintain separate financial accounts as required by  
21 federal law or regulations.

22 11. Advise with and make recommendations to the governor and the  
23 legislature on all matters concerning its objectives.

24 12. Take appropriate steps to reduce or contain costs in the field of  
25 health services.

26 13. Encourage and assist in the adoption of practical methods of  
27 improving systems of comprehensive planning, of program planning, of priority  
28 setting and of allocating resources.

29 14. Encourage an effective use of available federal resources in this  
30 state.

31 15. Research, recommend, advise and assist in the establishment of  
32 community or area health facilities, both public and private, and encourage  
33 the integration of planning, services and programs for the development of the  
34 state's health delivery capability.

35 16. Promote the effective utilization of health manpower and health  
36 facilities which provide health care for the citizens of this state.

37 17. Take appropriate steps to provide health care services to the  
38 medically dependent citizens of this state.

39 18. Certify training on the nature of sudden infant death syndrome for  
40 use by professional ~~fire-fighters~~ **FIREFIGHTERS** and certified emergency  
41 medical technicians as part of their basic and continuing training  
42 requirement.

43 19. Certify training on the nature of sudden infant death syndrome  
44 which shall include information on the investigation and handling of cases

1 involving sudden and unexplained infant death for use by law enforcement  
2 officers as part of their basic training requirement.

3 20. Adopt protocols on the manner in which an autopsy shall be  
4 conducted under section 11-597, subsection B in cases of sudden and  
5 unexplained infant death.

6 21. Cooperate with the Arizona-Mexico commission in the governor's  
7 office and with researchers at universities in this state to collect data and  
8 conduct projects in the United States and Mexico on issues that are within  
9 the scope of the department's duties and that relate to quality of life,  
10 trade and economic development in this state in a manner that will help the  
11 Arizona-Mexico commission to assess and enhance the economic competitiveness  
12 of this state and of the Arizona-Mexico region.

13 22. Administer the federal family violence prevention and services act  
14 grants, and the department is designated as this state's recipient of federal  
15 family violence prevention and services act grants.

16 23. Accept and spend private grants of monies, gifts and devises for  
17 the purposes of methamphetamine education. The department shall disburse  
18 these monies to local prosecutorial or law enforcement agencies with existing  
19 programs, faith based organizations and nonprofit entities that are qualified  
20 under section 501(c)(3) of the United States internal revenue code, including  
21 nonprofit entities providing services to women with a history of dual  
22 diagnosis disorders, that provide educational programs on the repercussions  
23 of methamphetamine use. State general fund monies shall not be spent for the  
24 purposes of this paragraph. If the director does not receive sufficient  
25 monies from private sources to carry out the purposes of this paragraph, the  
26 director shall not provide the educational programs prescribed in this  
27 paragraph. Grant monies received pursuant to this paragraph are nonlapsing  
28 and do not revert to the state general fund at the close of the fiscal year.

29 24. Identify successful methamphetamine prevention programs in other  
30 states that may be implemented in this state.

31 25. PURSUANT TO SECTIONS 36-1691, 36-1692 AND 36-1693, COORDINATE ALL  
32 PUBLIC HEALTH AND RISK ASSESSMENT ISSUES ASSOCIATED WITH A CHEMICAL OR OTHER  
33 TOXIC FIRE EVENT IF A REQUEST FOR THE EVENT IS RECEIVED FROM THE INCIDENT  
34 COMMANDER OR THE EMERGENCY RESPONSE COMMISSION OR THE DEPARTMENT OF PUBLIC  
35 SAFETY AND IF FUNDING IS AVAILABLE. COORDINATION OF PUBLIC HEALTH ISSUES  
36 SHALL INCLUDE GENERAL ENVIRONMENTAL HEALTH CONSULTATION AND RISK ASSESSMENT  
37 SERVICES CONSISTENT WITH SECTIONS 36-1691, 36-1692 AND 36-1693 AND, IN  
38 CONSULTATION WITH THE ARIZONA POISON CONTROL SYSTEM, INFORMING THE PUBLIC AS  
39 TO POTENTIAL PUBLIC HEALTH RISKS FROM THE ENVIRONMENTAL EXPOSURE. PURSUANT  
40 TO SECTIONS 36-1691, 36-1692 AND 36-1693, THE DEPARTMENT OF HEALTH SERVICES  
41 SHALL ALSO PREPARE A REPORT, IN CONSULTATION WITH APPROPRIATE STATE, FEDERAL  
42 AND LOCAL GOVERNMENTAL AGENCIES, THAT EVALUATES THE PUBLIC HEALTH RISKS FROM  
43 THE ENVIRONMENTAL EXPOSURE. THE DEPARTMENT OF HEALTH SERVICES' REPORT SHALL  
44 INCLUDE ANY DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT AND MAP OF SMOKE  
45 DISPERSION FROM THE FIRE, THE RESULTS OF ANY ENVIRONMENTAL SAMPLES TAKEN BY

1 THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE TOXICOLOGICAL IMPLICATIONS  
2 AND PUBLIC HEALTH RISKS OF THE ENVIRONMENTAL EXPOSURE. THE DEPARTMENT OF  
3 HEALTH SERVICES SHALL CONSULT WITH THE ARIZONA POISON CONTROL SYSTEM  
4 REGARDING TOXICOLOGY ISSUES AND SHALL PREPARE AND PRODUCE ITS REPORT FOR THE  
5 PUBLIC AS SOON AS PRACTICABLE AFTER THE EVENT. THE DEPARTMENT OF HEALTH  
6 SERVICES SHALL NOT USE ANY MONIES PURSUANT TO SECTION 49-282, SUBSECTION E,  
7 TO IMPLEMENT THIS PARAGRAPH. FOR THE PURPOSES OF THIS PARAGRAPH, "CHEMICAL  
8 OR OTHER TOXIC FIRE EVENT" MEANS A FIRE AT A BUILDING THAT IS REQUIRED TO BE  
9 TRACKED IN THE MUNICIPAL HAZARDOUS MATERIAL TRACKING PROCESS PROGRAM PURSUANT  
10 TO SECTION 26-343.01.

11 Sec. 4. Section 36-1162, Arizona Revised Statutes, is amended to read:  
12 36-1162. Powers and functions of Arizona poison control system

13 The Arizona poison control system shall:

- 14 1. Maintain a comprehensive list of poison and drug information  
15 resources.
- 16 2. Furnish advisory services to health professionals on the toxicity  
17 of poisons, drugs and household chemical products and effective and safe  
18 treatment of poisoning.
- 19 3. Provide information to the public on the prevention of accidental  
20 poisonings and first aid treatment of poisoning.
- 21 4. Provide a toll free telephone service for all communities in this  
22 state, including all treatment facilities in this state.
- 23 5. Provide expert capability for the rapid identification of toxic  
24 agents.
- 25 6. Conduct and promote educational programs for professionals and the  
26 public on poisoning.
- 27 7. Establish, in consultation with the department of health services,  
28 physicians and hospitals, procedures for reporting the incidence of  
29 poisoning.
- 30 8. Procure grants to engage in research to enhance delivery of  
31 specialized emergency services in the treatment of poisoning.
- 32 9. Establish a teratogen information program. The program shall  
33 establish a statewide toll free telephone number to provide health care  
34 providers and the public with up-to-date information and referrals on  
35 possible teratogen exposure and shall develop educational programs and  
36 materials. The program established by this paragraph ends on July 1, 2009  
37 pursuant to section 41-3102. For the purposes of this paragraph, "teratogen"  
38 means a physical, infectious or chemical agent that causes a change in the  
39 normal development of a human embryo or fetus.
- 40 10. ASSIST THE DEPARTMENT OF HEALTH SERVICES IN COORDINATING PUBLIC  
41 HEALTH INFORMATION REGARDING A CHEMICAL OR OTHER TOXIC FIRE EVENT, INCLUDING  
42 PROVIDING INFORMATION REGARDING POSSIBLE TOXIC EXPOSURES AND APPROPRIATE  
43 HEALTH CARE FACILITY REFERRALS FOR THOSE EXPOSURES.



1           Sec. 5. Section 49-108, Arizona Revised Statutes, is amended to read:

2           49-108. Hazardous materials emergency response operations

3           The director of environmental quality shall establish a hazardous  
4 materials emergency response and recovery organizational unit in the  
5 department to function as the scientific support, health, safety and  
6 environmental element of the hazardous materials emergency management program  
7 pursuant to section 26-305.02. ON REQUEST FROM THE DEPARTMENT OF HEALTH  
8 SERVICES AND AT THE DIRECTION OF THE DIRECTOR OF ENVIRONMENTAL QUALITY, THE  
9 UNIT SHALL PERFORM APPROPRIATE SOIL AND WATER SAMPLING FOR TOXIC AND OTHER  
10 HARMFUL EFFECTS ON THE PUBLIC HEALTH AND THE ENVIRONMENT IN AREAS THAT HAVE  
11 BEEN AFFECTED BY A CHEMICAL OR OTHER TOXIC FIRE.

12          Sec. 6. Section 49-422, Arizona Revised Statutes, is amended to read:

13          49-422. Powers

14          A. In addition to any other powers vested in it by law, the department  
15 may:

16           1. Accept, receive and administer grants or other funds or gifts from  
17 public and private agencies, including the federal government, to carry out  
18 any of the purposes of this chapter. All monies resulting therefrom shall be  
19 deposited, pursuant to sections 35-146 and 35-147, in the account of the  
20 department.

21           2. Secure necessary scientific, technical, administrative, ~~and~~ and  
22 operational services, including laboratory facilities, by contract or  
23 otherwise to carry out the purposes of this chapter.

24           3. Require, as specified in subsections B and C of this section, any  
25 source of air contaminants to monitor, sample or perform other studies to  
26 quantify emissions of air contaminants or levels of air pollution that may  
27 reasonably be attributable to that source, if the director either:

28           (a) Determines that monitoring, sampling or other studies are  
29 necessary to determine the effects of the source on levels of air pollution.

30           (b) Has reasonable cause to believe a violation of this chapter, rules  
31 adopted pursuant to this chapter or a permit issued pursuant to this chapter  
32 has been committed.

33           (c) Determines that those studies or data are necessary to accomplish  
34 the purposes of this chapter, and that the monitoring, sampling or other  
35 studies by the source are necessary in order to assess the impact of the  
36 source on the emission of air contaminants.

37          B. The director shall adopt rules requiring sources of air  
38 contaminants to monitor, sample or otherwise quantify their emissions of air  
39 pollution ~~which~~ THAT may reasonably be attributable to such sources for air  
40 contaminants for which ambient air quality standards or emission standards or  
41 design, equipment, work practice or operational standards have been adopted  
42 pursuant to section 49-424 or section 49-425, subsection A. In the  
43 development of the rules, the director shall consider the cost and  
44 effectiveness of the monitoring, sampling or other studies.

1 C. For those sources of air contaminants for which rules are not  
2 required to be adopted pursuant to subsection B of this section, the director  
3 may require a source of air contaminants, by permit or order, to perform  
4 monitoring, sampling or other quantification of its emissions or air  
5 pollution that may reasonably be attributed to such a source. Before  
6 requiring such monitoring, sampling or other quantification by permit or  
7 order, the director shall consider the relative cost and accuracy of any  
8 alternatives ~~which~~ THAT may be reasonable under the circumstances such as  
9 emission factors, modeling, mass balance analyses or emissions projections.  
10 The director may require such monitoring, sampling or other quantification by  
11 permit or order if the director determines in writing that all of the  
12 following conditions are met:

13 1. The actual or potential emissions or air pollution may adversely  
14 affect public health or the environment.

15 2. A monitoring, sampling or quantification method is technically  
16 feasible for the subject contaminant and the source.

17 3. An adequate scientific basis for the monitoring, sampling or  
18 quantification method exists.

19 4. The monitoring, sampling or quantification method is reasonably  
20 accurate.

21 5. The cost of the method is reasonable in light of the use to be made  
22 of the data.

23 D. Orders issued and permit conditions imposed pursuant to this  
24 section may be appealed as an appealable agency action pursuant to title 41,  
25 chapter 6, article 10.

26 E. ON REQUEST OF THE ON-SCENE COMMANDER OR THE DEPARTMENT OF HEALTH  
27 SERVICES, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL ASSIST AT A  
28 SIGNIFICANT CHEMICAL OR OTHER TOXIC FIRE EVENT, EXCLUDING CHEMICAL OR NUCLEAR  
29 WARFARE OR BIOLOGICAL AGENTS, AND SHALL PROVIDE THE FOLLOWING SERVICES IF  
30 FUNDING IS AVAILABLE AND IF THE DIRECTOR, IN THE DIRECTOR'S PROFESSIONAL  
31 CAPACITY, DETERMINES THE DEPARTMENT'S PROVISION OF SERVICES IS NECESSARY TO  
32 PROTECT HUMAN HEALTH AND THE ENVIRONMENT:

33 1. COLLECT AIR SAMPLES FOR LIKELY CONTAMINANTS RESULTING FROM THE  
34 FIRE. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL COORDINATE SAMPLING  
35 LOCATIONS, TIMES AND POLLUTANTS TO BE SAMPLED WITH THE DEPARTMENT OF HEALTH  
36 SERVICES AND OTHER APPROPRIATE HEALTH AND EMERGENCY RESPONSE OFFICIALS.

37 2. MAINTAIN AN HOURLY PLUME REPORT THAT INCLUDES METEOROLOGICAL  
38 CONDITIONS THAT AFFECT DISPERSAL OF SMOKE.

39 3. IN CONSULTATION WITH THE DEPARTMENT OF HEALTH SERVICES AND THE  
40 ON-SCENE COORDINATOR, PREPARE A REPORT THAT INCLUDES TEST RESULTS OF ANY  
41 SAMPLING, INCLUDING THE SAMPLING RATIONALE AND PROTOCOL AND CHAIN OF CUSTODY  
42 REPORT USING APPLICABLE ENVIRONMENTAL PROTECTION AGENCY STANDARDS. THE  
43 REPORT SHALL ALSO INCLUDE, TO THE EXTENT PRACTICABLE, A SMOKE DISPERSION MAP  
44 WITH DETAIL ADEQUATE TO DETERMINE POSSIBLE AREAS OF IMPACT AT THE LEVEL OF  
45 DETAIL PRACTICABLE AND A LISTING OF LIKELY RELEASES OF ANY CHEMICAL THAT IS

1 CATEGORIZED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS A  
2 HAZARDOUS AIR POLLUTANT AND THE CORRESPONDING ENVIRONMENTAL PROTECTION AGENCY  
3 DESCRIPTION OF POSSIBLE HEALTH EFFECTS OF THE CHEMICAL BASED ON A RELIABLE  
4 INVENTORY OF HAZARDOUS MATERIALS AT THE SITE OR FACILITY.

5 4. FOR THE PURPOSES OF THIS SECTION, "CHEMICAL OR OTHER TOXIC FIRE  
6 EVENT" MEANS A FIRE AT A BUILDING THAT IS REQUIRED TO BE TRACKED IN THE  
7 MUNICIPAL HAZARDOUS MATERIAL TRACKING PROCESS PROGRAM PURSUANT TO SECTION  
8 26-343.01.

9 Sec. 7. Delayed repeal

10 Section 26-343.01, Arizona Revised Statutes, as added by this act, is  
11 repealed on June 30, 2010.